

Ex. '1'

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October 28, 2021

Eddie R. Jimenez, Esq.
Aldridge Pite, LLP
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Suite 140
Las Vegas, NV 89113
Email: ejimenez@aldridgepite.com

RE: Melani Schulte
Case No.: 09-29123-MKN

Dear Mr. Jimenez,

I am in receipt of Shellpoint's Objections and Responses to Schulte's First Set of Interrogatories, Request for Admissions, and Request for Production of Documents. This will serve as my request for a meet and confer in relation to Shellpoint's Responses. Please review and let's discuss this by November 3, 2021.

First Set of Interrogatories:

Interrogatories No. 1:

List all individuals, lay or expert, you intend to call at the evidentiary hearing in this matter.

- a) Provide their job title, educational background, work experience that qualifies that person to testify as an expert witness and their CV;
- b) Provide a description of the subject matter on which the witness will be speaking on;
- c) The substance of the facts and opinions to which the witness is expected to

testify;

d) Whether they are being paid to testify and if so, how much.

Response:

Objection: *Premature Request* – Shellpoint objects to this Request as premature. This interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time. Shellpoint shall disclose any witnesses it intends to call at the evidentiary hearing by the applicable due date. Any response to this interrogatory is premature and Shellpoint's response may be deferred.

Notwithstanding the above Objections, Shellpoint intends to call at least one representative with knowledge of the Subject Loan. Further, Shellpoint intends to call Ms. Schulte.

Reply:

This is not a premature request. Once discovery is complete how can a deposition be taken? What rule or statute provides that a lay or expert does not need to be designated until "discovery is complete, or until a pretrial conference or some other time." Please provide the name of any witness or acknowledge none will be called by Shellpoint.

Interrogatories No. 3:

Provide a list and the dates of all phone calls Shellpoint has made to Schulte since August 21, 2015.

- a) Include the phone numbers that the calls were made to;
- b) Include not only the date, but the time made;

Response:

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may review her own call log and create a list with the above information. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Equally Available* - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

Reply:

Ms. Schulte is entitled to any record of calls Shellpoint has made to her whether or not the information is equally available to her. This is not overburdensome since Shellpoint has computer records it can printout.

Interrogatories No. 4:

Provide a list and dates of all phone calls Shellpoint received from Schulte since August 21, 2015.

Response:

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may review her own call log and create a list with the above information. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Equally Available* - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

Reply:

Ms. Schulte is entitled to any record of calls Shellpoint has that she made to Shellpoint, whether or not the information is equally available to her. This is not overburdensome since Shellpoint has computer records it can printout.

Interrogatories No. 5:

Provide a list of all transcript of calls made by Shellpoint to Schulte since August 21, 2015.

Response:

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may review her own call log and create a list with the above information. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Equally Available* - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

Reply:

Ms. Schulte is entitled to any transcript or recording of any calls made by Shellpoint to her whether or not the information is equally available to her. This is not overburdensome since Shellpoint has computer records or recordings it can printout or reproduce.

Interrogatories No. 6:

Provide a list of all transcripts of calls received by Shellpoint from Schulte since August 21, 2015.

Response:

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may review her own call log and create a list with the above information. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Equally Available* - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

Reply:

Ms. Schulte is entitled to any transcript or recording of any calls made by her to Shellpoint, whether or not the information is equally available to her. This is not overburdensome since Shellpoint has computer records or recordings it can printout or reproduce.

Interrogatories No. 8:

List the first time, and how, Shellpoint learned of Schulte's bankruptcy.

Response:

Objection: *Legal Conclusion* – Shellpoint objects to this Request on the grounds that it calls for a legal conclusion.

Objection: *Attorney-Client Privilege, Attorney Work-Product Protection* - The request seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and extends to “factual information” and “legal advice.” Further, this discovery request seeks attorney work product.

Objection: *Revealing Attorney's Impressions or Strategy or Theory of the Case* - This discovery request is inappropriate as it requests information, which may reveal the mental impressions or trial strategy of the attorneys or experts involved. Shellpoint's counsel is not required to disclose their legal research, opinions, or theory of the case to Debtor.

Subject to and without waiving the foregoing objections, Shellpoint responds as follows:

On or about August 17, 2015, Shellpoint acquired servicing rights to the Subject Loan.

Reply:

This is non responsive to the request of the date Shellpoint first became aware of Ms. Schulte bankruptcy. It does not call for a legal conclusion. However, if Shellpoint is stating that it became aware of Schulte's bankruptcy when it acquired the servicing rights on August 17, 2015 that is acceptable. But please state that specifically. Otherwise please provide the actual date.

Interrogatories No. 9:

List the date, and how, Shellpoint learned Schulte chapter 11 plan was confirmed.

Response:

Objection: *Legal Conclusion* – Shellpoint objects to this Request on the grounds that it calls for a legal conclusion.

Objection: *Attorney-Client Privilege, Attorney Work-Product Protection* - The request seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and extends to “factual information” and “legal advice.” Further, this discovery request seeks attorney work product.

Objection: *Revealing Attorney’s Impressions or Strategy or Theory of the Case* - This discovery request is inappropriate as it requests information which may reveal the mental impressions or trial strategy of the attorneys or experts involved. Shellpoint’s counsel is not required to disclose their legal research, opinions, or theory of the case to Debtor.

Reply:

This is non responsive and does not call for a legal conclusion. However, if Shellpoint is stating that became aware of Schulte’s chapter 11 confirmed plan when it acquired the servicing rights on August 17, 2015 that is acceptable. But please state that specifically. Otherwise please provide the actual date.

Interrogatories No. 10:

List the first date, and how, Shellpoint learned of Schultes discharge.

Response:

Objection: *Legal Conclusion* – Shellpoint objects to this Request on the grounds that it calls for a legal conclusion.

Objection: *Attorney-Client Privilege, Attorney Work-Product Protection* - The request seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and extends to “factual information” and “legal advice.” Further, this discovery request seeks attorney work product.

Objection: *Revealing Attorney’s Impressions or Strategy or Theory of the Case* -

This discovery request is inappropriate as it requests information which may reveal the mental impressions or trial strategy of the attorneys or experts involved. Shellpoint's counsel is not required to disclose their legal research, opinions, or theory of the case to Debtor.

Reply:

This is non responsive to the request of the date Shellpoint first became aware of Ms. Schulte bankruptcy. It does not call for a legal conclusion. However, if Shellpoint is stating that it became aware of Schulte's bankruptcy discharge when it acquired the servicing rights on August 17, 2015 that is acceptable. But please state that specifically. Otherwise please provide the actual date.

Interrogatories No. 11:

List the date, and how Shellpoint learned Schulte had cramdown the mortgage it has on the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123.

Response:

Objection: *Legal Conclusion* – Shellpoint objects to this Request on the grounds that it calls for a legal conclusion.

Objection: *Attorney-Client Privilege, Attorney Work-Product Protection* - The request seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and extends to "factual information" and "legal advice." Further, this discovery request seeks attorney work product. Objection: *Revealing Attorney's Impressions or Strategy or Theory of the Case* - This discovery request is inappropriate as it requests information which may reveal the mental impressions or trial strategy of the attorneys or experts involved. Shellpoint's counsel is not required to disclose their legal research, opinions, or theory of the case to Debtor.

Reply:

This is non responsive to the request of the date Shellpoint first became aware of Ms. Schulte bankruptcy. It does not call for a legal conclusion. However, if Shellpoint is stating that it became aware of Schulte's cramdown of the mortgage when it acquired the servicing

rights on August 17, 2015 that is acceptable. But please state that specifically. Otherwise please provide the actual date.

Interrogatories No. 13:

For all Request for Admissions that were denied or not explicitly affirmed please list each particular Request for Admission and explain your denial.

Response::

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor. Debtor may review Shellpoint's Responses to the Requests for Admissions, which contain sufficient detail regarding the reason for each denial.

Reply:

This is non responsive. Please specifically explain each denial in the Request for Admissions this interrogatory.

First Request For Production of Documents:

Shellpoint's Objections and Responses to Schulte's First Request for Production of Documents. Shellpoint's answer to Request for Production No 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and No. 17:

Request Number 4:

A copy of Shellpoint's Pooling and Servicing agreement regarding the real property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123.

Response::

Objection: *Relevance* – This Request is not relevant to any contested matter and is not reasonably calculated to lead to the discovery of admissible evidence related to any

contested issue.

Objection: Proprietary/Confidential Information - This discovery request attempts to obtain confidential/proprietary information.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “Pooling and Servicing agreement” is not defined such that Shellpoint would have enough information to provide an informed response.

Consequently, Shellpoint cannot respond substantively to this request.

Reply:

This is an improper response. Shellpoint knows what the Pooling and Servicing Agreement is. And Shellpoint cannot unilaterally determine what is relevant. Further, it cannot allege it is proprietary without proving it.

Request Number 5:

A print out of all calls Shellpoint made to, or received, from Schulte’s since it took over servicing of the loan regarding the real property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123.

Response::

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may create her own call log based on her records. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: Equally Available - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

Reply:

Shellpoint can easily provide a computer printout of any call information. That it may be equally available to Schulte is not a reason to refuse to provide it.

Request Number 6:

A copy of Shellpoint's call log, both incoming and outgoing, related to Schulte and the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123, since taking over the servicing of this loan.

Response:

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may create her own call log based on her records. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Equally Available* - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

Objection: *Asked and Answered, Repetitive*. This discovery request has, in substance, been previously propounded and responded as explained in Shellpoint's above responses.

Reply:

Shellpoint can easily provide a computer printout of any call information. That it may be equally available to Schulte is not a reason to refuse to provide it.

Request Number 7:

A list of all phone numbers Shellpoint has on Schulte.

Response::

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty

to create or modify responsive documents for the Debtor.

Objection: Equally Available - The information sought in this request is equally available to the Debtor.

Reply:

This simple request seeks only to know what phone numbers Shellpoint has on Ms. Schulte. Further it is not overburdensome or oppressive. And it is not equally available to Schulte as she does not know what phone numbers Shellpoint has for her.

Request Number 8:

A list of the fees Shellpoint has been paid on the loan at 1392 Echo Falls Ave., Las Vegas Nevada 89123 since it took over servicing and how they were calculated.

Response::

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: Relevance – This Request is not relevant to any contested matter and is not reasonably calculated to lead to the discovery of admissible evidence related to any contested issue.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “fees” is not defined such that Shellpoint would have enough information to provide an informed response.

Consequently, Shellpoint cannot respond substantively to this request.

Reply:

This is relevant as to what Ms. Schulte is complaining of and a potential reason for Shellpoints action. Also it is not burdensome, but a simple computer calculation. And fees has its ordinary dictionary meaning.

Request Number 9:

All of Shellpoint's Policy and Procedures Manuals from 2015 to 2021.

Response:

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint.

Objection: Relevance – This Request is not relevant to any contested matter and is not reasonably calculated to lead to the discovery of admissible evidence related to any contested issue.

Objection: Proprietary/Confidential Information - This discovery request attempts to obtain confidential/proprietary information of Shellpoint.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term "Policy and Procedures Manuals" is not defined such that Shellpoint would have enough information to provide an informed response.

Consequently, Shellpoint cannot respond substantively to this request.

Reply:

This is relevant to Ms. Schultes case, it is not overburdensome or vague and ambiguous. To the extent a more precise request is sought, Ms. Schulte requests the Policy and Procedure Manuals for Bankruptcy cases. Further it goes to the heart of the matter.

Request Number 10:

A list of any calls between Shellpoint and Schulte where a recording was made.

Response::

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Reply:

This is not burdensome, but a simple request that can be produced by computer printout.

Request Number 11:

Produce any recordings made of calls between Schulte and Shellpoint.

Response::

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint.

Reply:

This is not burdensome, but a simple request that can be produced with a computer printout.

Request Number 13:

A copy of the servicing transfer agreement between PHH successor to Ocwen Loan Servicing LLC., and Shellpoint.

Response::

Objection: Relevance –This Request is not relevant to any contested matter and is not reasonably calculated to lead to the discovery of admissible evidence related to any contested issue.

Objection: Proprietary/Confidential Information - This discovery request attempts to obtain confidential/proprietary information of Shellpoint.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “servicing transfer agreement” is not defined. Once Debtor provides additional information to clarify the vague and ambiguous terms used in this request, Shellpoint will be in a position to amend its response to Request No. 13, if necessary.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “servicing transfer agreement” is not defined such that Shellpoint would have enough information to provide an informed response.

Objection: Equally Available - The information sought in this request is equally available to the Debtor. Debtor may request said documents from the prior servicer(s).

Consequently, Shellpoint cannot respond substantively to this request.

Reply:

This is relevant, because if any laws were violated, it may determine which creditor is responsible. Further, it is not equally available to Schulte. Besides no proof that it is proprietary has been shown.

Request Number 14:

Please provide the Purchase and Sale Agreement on this loan from PHH successor to Ocwen Loan Servicing LLC., to Shellpoint.

Response::

Objection: Relevance – This Request is not relevant to any contested matter and is not reasonably calculated to lead to the discovery of admissible evidence related to any contested issue.

Objection: Proprietary/Confidential Information - This discovery request attempts to obtain confidential/proprietary information of Shellpoint.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “Purchase and Sale Agreement” is not defined.

Objection: Equally Available - The information sought in this request is equally available to the Debtor. Debtor may request said documents from the prior servicer(s).

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “Purchase and Sale Agreement” is not defined such that Shellpoint would have enough information to provide an informed response

Consequently, Shellpoint cannot respond substantively to this request.

Reply:

This is relevant, because if any laws were violated, it may determine which creditor is responsible. Further, it is not equally available to Schulte. Besides no proof that it is proprietary has been shown.

Request Number 15:

Provide Shellpoint's electronic data base on Schulte for the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123 from the time it took over servicing in August 2015 to September, 2021.

Response::

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint.

Objection: Proprietary/Confidential Information - This discovery request attempts to obtain confidential/proprietary information of SHELLPOINT.

Objection: Attorney-Client Privilege, Attorney Work-Product Protection - The request seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and extends to "factual information" and "legal advice." Further, this discovery request seeks attorney work product.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term "electronic data base" is not defined.

Consequently, Shellpoint cannot respond substantively to this request.

Reply:

This is not vague and ambiguous, or burdensome and oppressive. Shellpoint keeps a computer file on each client and/or property Schulte request hers for 1392 Echo Falls Ave., Las Vegas Nevada 89123.

Request Number 16:

Provide a list of codes and their meaning in relation to the electronic data base for Schulte's loan on the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123 from the time Shellpoint took over servicing of the loan.

Response:

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term "electronic data base" and "codes" are not defined.

Consequently, Shellpoint cannot respond substantively to this request.

Reply:

Shellpoint has a code system associated with its computer notes on Schulte's loan. This is not overbroad or oppressive.

Request Number 17:

Provide any log notes or communication notes regarding Schulte and the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123 from the time Shellpoint took over servicing of the loan.

Response::

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: Proprietary/Confidential Information - This discovery request attempts

to obtain confidential/proprietary information of Shellpoint.

Objection: Attorney-Client Privilege, Attorney Work-Product Protection - The request seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and extends to “factual information” and “legal advice.” Further, this discovery request seeks attorney work product.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “log notes” is not defined.

Consequently, Shellpoint cannot respond substantively to this request

Reply:

Shellpoint has a file with notes on Schulte. This is a simple computer printout.

Please contact me or update these responses by November 3, 2021.

Thank you,


Christopher R. Burke, Esq.